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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No.: CR 06-0428 SI
)	No.: CR 05-0375 SI
Plaintiff,)	No.: CR 06-0426 SI
)	
v.)	STIPULATION CONTINUING
)	HEARING; AND [PROPOSED] ORDER
EDWIN TOY,)	
)	
Defendant.)	

STIPULATION

The parties, through undersigned counsel, STIPULATE that the hearing for change of plea in the above-described cases, which is currently set for January 18, 2008, may – with the Court’s concurrence – be continued to February 29, 2008 at 11:00 a.m. The parties request this continuance because they have not yet agreed upon all the terms for the written plea agreement, including (1) the precise counts to which the defendant will enter guilty pleas and which will be

dismissed in the remaining case(s); (2) the government's requirement that the defendant enter a plea to a charge of structuring deposits; and (3) the amounts and bases of criminal forfeiture. The government has had to conduct further analysis of records of the defendant's business, to determine funds for potential forfeiture and the legal bases therefor. Unfortunately, this process is not yet complete. However, the parties represent that they are working on the written plea agreement and anticipate that the change of plea can go forward on the proposed new date.

Dated: 1/11/08

JOSEPH P. RUSSONIELLO
United States Attorney

/s/

ANDREW M. SCOBLE
NICOLE KIM
Assistant United States Attorneys

Dated: 1/11/08

/s/

DENNIS ROBERTS
Attorney for Defendant

Dated: 1/11/08

/s/

GAIL SHIFMAN
Attorney for Defendant

[PROPOSED] ORDER

Based upon the above Stipulation, and for good cause appearing, THE COURT ORDERS THAT:

1. The change of plea in the above-described cases is continued to Friday, February 29, 2008 at 11:00 a.m.

Dated:



HON. SUSAN ILLSTON
United States District Judge